THE BOMBAY GOVERNMENT PREMISES (EVICTION) ACT, 1955.

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MG-B 5019 H—10

BOMBAY ACT No. II OF 1956.[1]

[THE BOMBAY GOVERNMENT PREMISES (EVICTION) A

[19th J 6]

An Act to provide for the eviction of certain persons from Gove nises and for certain matters connected therewith.

WHEREAS it is expedient to provide for the eviction of certain persons from Government premises and for certain matters connected therewith ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. This Act may be called the Bombay Government Premises (Eviction) Act, 1955. Short title.

2. In this Act, unless the context otherwise requires,— Definitions.

(*a*) " competent authority " means an officer appointed as the competent authority under section 3 ;

(*b*) " Government premises " means any premises belonging to, or leased or requisitioned by, the Government of Bombay ;

(*c*) " land " includes benefits to arise out of land and things attached to the earth or permanently fastened to the earth or permanently fastened to anything attached to the earth ;

(*d*) " premises " means any land or building or part of a building and includes—

(*i*) the garden, grounds and out-houses, if any, appertaining to such building or part of a building ; and

(*ii*) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof ;

(*e*) " prescribed " means prescribed by rules made under this Act.

3. The State Government may, by notification in the *Official Gazette*, appoint an officer who is holding or has held an office, which in its opinion is not lower in rank than that of a Deputy Collector or an Executive Engineer, to be the competent authority for carrying out the purposes of this Act in such area as may be specified in the notification. Appointment of competent authorities.

4. (*1*) If the competent authority is satisfied— Power to evict.

(*a*) that the person authorised to occupy any Government premises, has whether before or after the commencement of this Act,—

(*i*) not paid rent lawfully due from him in respect of such premises for a period of more than two months, or

(*ii*) sub-let, without the permission of the State Government or of the competent authority the whole or any part of such premises, or

(*iii*) otherwise acted in contravention of any of the terms, express or implied, under which he is authorised to occupy such premises, or

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[1]For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955, Part V, p. 148.

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(*b*) that any person is in unauthorised occupation of any Government premises, or

(*c*) that any Government premises named are required for any other Government purposes,

the competent authority may, notwithstanding anything contained in any law for the time being in force, by notice served (*i*) by post, or (*ii*) by affixing a copy of it on the outer door or some other conspicuous part of such premises, or (*iii*) in such other manner as may be prescribed, order that that person as well as any other person who may be in occupation of the whole or any part of the premises, shall vacate them within one month of the date of the service of the notice.

(*2*) Before an order under sub-section (*1*) is made against any person the competent authority shall inform the person by notice in writing of the grounds for which the proposed order is to be made and give him a reasonable opportunity of tendering an explanation and producing evidence, if any, and to show cause why such order should not be made, within a period to be specified in such notice. If such person makes an application to the competent authority for extension of the period specified in the notice, the competent authority may grant the same on such tarms as to payment and recovery of the amount claimed in the notice as it deems fit. Any written statement put in by such person and documents produced in pursuance of such notice shall be filed with the record of the case and such person shall be entitled to appear before the officer proceeding in this connection by advocate, attorney or pleader. Such notice in writing shall be served in the manner provided for service of notice under sub-section (*1*).

(*3*) If any person refuses or fails to comply with an order made under sub-section (*1*), the competent authority may evict that person from, and take possession of, the premises and may for that purpose use such force as may be necessary.

(*4*) The State Government may, after giving fourteen clear days' notice to the person from whom possession of the Government premises has been taken under sub-section (*3*) and after publishing such notice in the *Official Gazette* and in at least one newspaper having circulation in the locality, remove or cause to be removed or dispose of by public auction any property remaining on such premises. Such notice shall be served in the manner provided for service of notice under sub-section (*1*).

(*5*) Where the property is sold under sub-section (*4*), the sale proceeds shall, after deducting the expenses of sale, be paid to such person or persons as may appear to the State Government to be entitled to the same.

(*6*) If a person who has been ordered to vacate any Government premises for the reasons specified in sub-clause (*i*) or (*iii*) of clause (*a*) of sub-section (*1*) within one month of the date of service of the notice or such longer time as the competent authority may allow, pays to the said competent authority the rent in arrears or carries out or otherwise complies with the terms contravened by him to the satisfaction of the said competent authority, as the case may be, the said competent authority shall in lieu of evicting such person under sub-section (*3*), cancel its order made under sub-section (*1*) and thereupon such person shall hold the premises on the same terms on which he held them immediately before such notice was served on him.

Explanation.—For the purposes of this section and section 5, the expression "unauthorised occupation" in relation to any person authorised to occupy any Government premises, includes the continuance in occupation by him or by any person claiming through or under him of the premises after the authority under which he was allowed to occupy the premises has been duly determined.

Power to recover rent or damages as arrears of land revenue.

5. (*1*) Subject to any rules made by the State Government in this behalf and without prejudice to the provisions of section 4, where any person is in arrears of rent payable in respect of any Government premises, the competent authority may, by notice served (*i*) by post, or (*ii*) by affixing a copy of it on the outer door or some other conspicuous part of such premises, or (*iii*) in such other manner as may be prescribed, order that person to pay the same within such time not less than ten days as may be specified in the notice. If such person refuses or fails to pay the arrears or rent within the time specified in the notice, such arrears may be recovered as arrears of land revenue.

(*2*) Where any person is in unauthorised occupation of any Government premises, the competent authority may, in the prescribed manner, assess such damages on account of the use and occupation of the premises as it may deem fit, and may, by notice served (*i*) by post, or (*ii*) by affixing a copy of it on the outer door or some other conspicuous part of such premises, or (*iii*) in such other manner as may be prescribed, order that person to pay the damages within such time as may be specified in the notice. If such person refuses or fails to pay the damages within the time specified in the notice, the damages may be recovered from him as arrears of land revenue.

(*3*) No order shall be made under sub-section (*2*) until after the issue of a notice in writing to the person calling on him to show cause, within a reasonable period to be specified in such notice, why such order should not be made, and until his objections, if any, and any evidence he may produce in support of the same, have been considered by the competent authority.

Rent to be recovered by deduction from salary or wages in case of Government servants.

6. Without prejudice to the provisions of section 4, in the case of any person who is an employee of the State Government and who has been allotted any Government premises, the amount of rent due by him in respect of such premises shall, on a requisition in writing made in that behalf by the competent authority to the Head of the Government Department or office under whom such person is employed, be liable to be deducted from the salary or wages payable to such person. On receipt of such requisition, the Head of such Government Department or office, as the case may be, shall deduct from the salary or wages payable to such person the amount specified in the requisition and pay the amount so deducted to the competent authority in satisfaction of the rent due by him.

Appeal.

7. (*1*) Any person aggrieved by an order of the competent authority under section 4, or section 5, may, within one month of the date of service of the notice under section 4 or section 5, as the case may be, prefer an appeal to the State Government :

Provided that the State Government may entertain the appeal after the expiry of the said period of one month, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(*2*) On receipt of an appeal under sub-section (*1*), the State Government may, after calling for a report from the competent authority and after making such further inquiry, if any, as may be necessary, pass such orders as it thinks fit, and the orders of the State Government shall be final.

(*3*) Where an appeal is preferred under sub-section (*1*), the State Government may stay the enforcement of the order of the competent authority for such period and on such conditions as it thinks fit.

Bar of jurisdiction of civil courts.

8. No order made by the State Government or the competent authority in the exercise of any power conferred by or under this Act shall be called in question in any court and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

Protection of action taken in good faith.

9. No suit, prosecution or other legal proceedings shall lie against the State Government or the competent authority in respect of anything which is in good faith done or intended to be done in pursuance of this Act or any rules or orders made thereunder.

Delegation.

10. The State Government may, by notification in the *Official Gazette*, direct that any power exercisable by it under this Act, shall, subject to such conditions, if any, as may be specified in the notification, be exercisable also by an officer specially empowered in this behalf by the State Government.

Penalty.

11. Any person who obstructs the lawful exercise of any power conferred by or under this Act shall, on conviction, be punished with fine which may extend to one thousand rupees.

Rules.

12. (*1*) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the forms of notices and the other manner in which they may be served ;

(*b*) the procedure to be followed in taking possession of Government premises ;

(*c*) the manner in which damages for unauthorised occupation may be assessed ;

(*d*) the manner in which appeals may be preferred and the procedure to be followed in appeals ;

(*e*) any other matter which has to be or may be prescribed.